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NINTH REPORT ON THE DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

by

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Corrigendum

Paragraph 11

Add the following sentence:

"In Europe there is nonetheless a general trend in favour of abolition of the death penalty, as illustrated by Additional Protocol No. 6, of 28 April 1983, to the European Convention on Human Rights."

Paragraph 12

Replace paragraph 12 by the following paragraphs 12 to 12 quater:

"12. On the other hand, the death penalty has not been completely abolished in the United States of America, where it is still in force in 36 out of the 50 States. It does not yet appear to have been abolished or completely abolished in Eastern Europe.

12 bis. As to the African countries, a recent report by Amnesty International in May 1991, 1 bis/ shows that, although the death penalty is still in force in many of them, there is a growing trend in favour of abolishing it. Thus, following the example of Cape Verde, which has been in favour of abolition since it acceded to independence in 1975, Namibia, Sao Tome and Principe and Mozambique each abolished the death penalty in 1990. Other African countries, although they have not completely done away with the death penalty in law, no longer apply it in practice. This is true of the Comoros, Côte d'Ivoire, Madagascar, Niger, Senegal and Togo. In 1981, Côte d'Ivoire even did away with the death penalty in law for political crimes. In Seychelles, the death penalty has remained in force only for the crime of treason.

12 ter. In Asia, the death penalty is still in force in many countries.

12 quater. It may thus be affirmed that there is a universal trend towards abolition, as is shown by the report by Amnesty International cited above. 1 ter/ It is apparent from the report that, by end of 1990, almost half the world's countries had abolished the death penalty, either de jure or de facto. It remains in force and is applied in 92 countries. In this connection, it should be remembered that, in resolution 44/128 of 15 December 1989, the General Assembly adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Protocol was adopted by 59 votes in favour, 26 against and 48 abstentions."

Paragraph 13

Amend the paragraph as follows:

"However, it is still difficult to institute a single, internationally and uniformly applicable system of penalties. In addition to the death penalty, other penalties involving corporal punishment or personal restraint are also at issue, particularly those consisting of physical mutilation, and they are still applied in some regions of the world."

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1 bis/ Amnesty International, Africa towards abolition of the death penalty, May 1991, AI INDEX:AFR 01/01/91, Distr: SC/DP/CC, pp. 1 and 3.

1 ter/ Ibid., p. 2.

Paragraph 14

Delete the paragraph.

Paragraph 37

Replace the second sentence by the following sentence:

"The General Assembly thus refrained, at least at that stage, from choosing between the various options proposed to it by the Commission."

Paragraph 46, last line

Replace the words "laid down" by the word "confirm".